3 4 5 6 7	GOMEZ TRIAL ATTORNEYS John H. Gomez (SBN 171485) Ahmed S. Diab (SBN 262319) Kristen Barton (SBN 303228) 655 West Broadway, Suite 1700 San Diego, California 92101 Telephone: (619) 237-3490 adiab@thegomezfirm.com Attorneys for Plaintiff	
8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE DISTRICT OF ARIZONA	
10) No. MD-15-02641-PHX-DGC	
	IN RE BARD IVC FILTERS) PRODUCTS LIABILITY LITIGATION) AMENDED MASTER SHORT FORM	
12	This Document Pertains to: COMPLAINT FOR DAMAGES FOR INDIVIDUAL CLAIMS AND DEMAND	
13	Member Case 2:17-cv-01174-DGC) FOR JURY TRIAL (FIRST AMENDED) Cecil Evans	
14)	
15		
16		
17	Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the	
18	Master Complaint for Damages in MDL 2641 by reference (Doc. 364).	
19	1. Plaintiff/Deceased Party:	
20	<u>Cecil Evans</u>	
21	2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:	
22	<u>N/A</u>	
23	3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):	
24	<u>N/A</u>	
25	4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of	
26	implant:	
27	<u>N/A</u>	
28	///	
Gomez Trial Attorneys	First Amended Short Form Complaint for Damages for Individual Claims and Demand for Jury Trial	

1	5.	5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of					
2		injury:					
3		<u>Oklahoma</u>					
4	6.	Plaintiff's current state(s) [if more than one Plaintiff] of residence:					
5		<u>Oklahoma</u>					
6	7.	District Court and Division in which venue would be proper absent direct filing:					
7		Northern District of Oklahoma					
8	8.	Defendants (check Defendants against whom Complaint is made):					
9		✓ C.R. Bard Inc.					
10		✓ Bard Peripheral Vascular, Inc.					
11	9.	Basis of Jurisdiction:					
12		✓ Diversity of Citizenship					
13		□ Other:					
14		a. Other allegations of jurisdiction and venue not expressed in Master Complaint:					
15							
16							
17							
18	10	10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check					
19		applicable Inferior Vena Cava Filter(s)):					
20		☐ Recovery® Vena Cava Filter					
21	✓ G2® Vena Cava Filter						
22	☐ G2® Express (G2®X) Vena Cava Filter						
23	☐ Eclipse® Vena Cava Filter						
24	☐ Meridian® Vena Cava Filter						
25		□ Denali® Vena Cava Filter					
26	□ Other:						
27	11.	11. Date of Implantation as to each product:					
28	<u>09/15/2009</u> 2						
		-					

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1	12. Counts in the Master Complaint brought by Plaintiff(s):				
2	✓	Count I:	Strict Products Liability – Manufacturing Defect		
3	✓	Count II:	Strict Products Liability – Information Defect (Failure to Warn)		
4	✓	Count III:	Strict Products Liability – Design Defect		
5	✓	Count IV:	Negligence – Design		
6	✓	Count V:	Negligence – Manufacture		
7	✓	Count VI:	Negligence – Failure to Recall/Retrofit		
8	✓	Count VII:	Negligence – Failure to Warn		
9	✓	Count VIII:	Negligent Misrepresentation		
10	✓	Count IX:	Negligence Per Se		
11	✓	Count X:	Breach of Express Warranty		
12	✓	Count XI:	Breach of Implied Warranty		
13	✓	Count XII:	Fraudulent Misrepresentation		
14	✓	Count XIV:	Violations of Applicable Oklahoma Law Prohibiting Consumer		
15		Fraud and Unfair	and Deceptive Trade Practices		
16		Count XV:	Loss of Consortium		
17		Count XVI:	Wrongful Death		
18	✓	Punitive Damages	S		
19		Other(s):	(please state the facts		
20		supporting this co	ount in the space immediately below)		
21					
22					
23	///				
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28	///				
			3		

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1	13. Jury Trial demanded for all issues so triable?
2	✓ Yes
3	□ No
4	
5	RESPECTFULLY SUBMITTED this 27 th day of June, 2017
6	GOMEZ TRIAL ATTORNEYS
7	By: /s/ Ahmed S. Diah
8	By: /s/ Ahmed S. Diab Ahmed S. Diab 655 W. Broadway, Suite 1700
9	San Diego, CA 92101
10	
11	I hereby certify that on this 27 th day of June, 2017, I electronically transmitted the attached
12	document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of
13	Electronic Filing.
14	
15	/s/ Ahmed S. Diab
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